

ENTERED

February 08, 2023

Nathan Ochsner, Clerk

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:

KATERRA INC., et al.,

Debtors.

KATERRA INC., by and through Daniel R.
Williams, as Plan Administrator on behalf of
Katerra Inc. and related debtors,

Plaintiff,

v.

Deloitte & Touche LLP,

Defendant.

Chapter 11

Case No. 21-31861 (DRJ)

(Jointly Administered)

Adv. No. 22-03344

(Docket No. 10)

STIPULATION AND AGREED ORDER:

This Stipulation and Agreed Order (the “Order”) is entered into between Plaintiff Katerra Inc. (“Plaintiff”) and Defendant Deloitte & Touche LLP (“Defendant” and, together with Plaintiff, the “Parties”), by and through respective undersigned counsel. The Parties, subject to Court approval, have agreed to entry of this Order.

RECITALS:

1. WHEREAS Plaintiff filed its complaint (“Complaint”) on December 31, 2022.
2. WHEREAS the Court issued its summons on January 6, 2023 requiring Defendant to file a motion or answer to the Complaint within 30 days.
3. WHEREAS the current deadline for Defendant to respond to the Complaint is February 6, 2023.
4. WHEREAS Defendant intends to file a motion to compel arbitration (the “Motion to Compel”).

5. WHEREAS, Plaintiff intends to oppose the Motion to Compel.
6. WHEREAS the Parties have agreed to a schedule of the briefing of the Motion to Compel.

ORDER:

Based on the agreement of the parties, it is hereby **ORDERED THAT:**

1. Defendant shall file its Motion to Compel on or before March 3, 2023.
2. Plaintiff shall file any response to that Motion to Compel by April 3, 2023.
3. Defendant shall file any reply by April 18, 2023.
4. Defendant preserves all defenses.
5. The deadline for Defendant's responsive pleadings pursuant to FRBP 7012 is ABATED and STAYED.
6. In the event the Motion to Compel is denied, and without waiving any rights to seek appropriate relief from the Court related to any appeal of such denial, Defendant's responsive pleading for the purposes of FRBP 7012, including but not limited to an answer, motion to dismiss, or other responsive pleading, shall be filed no later than 30 days after such denial.

Signed: February 08, 2023.



DAVID R. JONES
UNITED STATES BANKRUPTCY JUDGE

Approved as to Form and Content:

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